

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Facsimile No. (703)308-2571 on the date shown below.

Dated: February 20, 2003

Signature:

(Brent E. Matthias)

Attorney Docket No.: 29488/36815
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lewis et al.

Application No.: 09/754,762

Group Art Unit: 3652

Filed: January 4, 2001

Examiner: Jeffery A. Shapiro

For: **METHOD AND APPARATUS FOR FILLING
STOCK ORDERS**

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT AND
ENTRY OF RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants respectfully petition for the withdrawal of the holding of abandonment and entry of the response to restriction requirements in the above-identified application. Applicants were first alerted to a potential problem with the filing of the response to restriction requirement in a telephone message from Examiner Shapiro on February 18, 2003. In subsequent telephone conversations on February 19, 2003, Examiner Shapiro advised that he did not receive the response to restriction requirement and, with the six-month deadline having passed, the application was considered abandoned.

Applicants' records, however, indicate that a response to the restriction requirement was sent via facsimile on September 16, 2002. Attached hereto is a copy of the response to restriction requirement which includes a Certification of Facsimile Transmission dated September 16, 2002. The facsimile cover sheet sent with the response is also attached, which indicates the date sent as September 16, 2002. Finally, a copy of the 'Facsimile Communication Result' report dated September 16, 2002 is attached, which indicates that nine pages (consisting of the eight-page response and one-page cover sheet) were transmitted from Applicants attorney to facsimile number (703)308-2571 in "OK" condition.

Applicants therefore respectfully request that the holding of abandonment in

Application No.: 09/754,762

Docket No.: 29488/36815

the application be withdrawn because Applicants fulfilled all of their responsibilities by responding to the restriction requirement in a timely manner. Applicants note that the restriction requirement set a deadline for response of September 15, 2002, which was a Sunday, and therefore the response filed on September 16, 2002 should be considered timely. Applicants further request that the Patent Office accept the response resubmitted herewith.

No fee is believed to be required for the filing of this petition. However, if it is determined that any appropriate fee is due, please charge Deposit Account No. 13-2855. A duplicate of this paper is enclosed.

Should the Examiner wish to further discuss this matter, he is invited to contact the undersigned.

Dated: February 20, 2003

Respectfully submitted,

By 
Brent E. Matthias

Registration No.: 41,974
MARSHALL, GERSTEIN & BORUN
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-0488 (facsimile)
(312) 474-6300
Attorney for Applicants